



**STATE OF ARKANSAS
TOWING & RECOVERY BOARD
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MINUTES

August 25, 2009

The Arkansas Towing & Recovery Board convened on Tuesday, August 25, 2009 at 9:42 a.m. in the 2nd floor conference room of the Attorney General's Office at 323 Center Street, Little Rock, Arkansas. Chairperson Glenna Butler called the meeting to order with roll call. Chairperson Glenna Butler, Vice-Chairperson Wayne Edwards, Treasurer Noel Foster, and Members: E. L. Jacobs, Charles Bokker, Jr., Ronnie Walker, Avon Phillips Jr., Mary Thoma, and Tommy Brown, were in attendance. Board Director Cynthia Lauen, Clerical Assistant April Staggs, Board Investigator Gary Ashcraft, Board Consultant B.G. Hendrix, and Assistant Attorney General Don Barnes were also, present.

Chairperson Glenna Butler confirmed members had received the Minutes from the July 22, 2009, meeting with a Motion by Brown and a 2nd by Jacobs, the Board voted 9-0-0 to accept the Minutes as written.

Treasurer Foster reported expenditures of \$ 4,594.48 and revenues of \$ 21,038.54 for a checkbook balance as of August 24, 2009 of \$ 104,659.16. A copy of the annual treasurer report for FY 2009 was included in the report. (Note: Copy Treasurers' Reports are filed with these Minutes).

Chairperson Glenna Butler welcomed guests.

Special Order of Business

1. James Lawhon presented some concerns about safety for towing operators while working accidents and in education for industry concerning towing issues. However, in the discussion, the Board advised him most of these concerns were not within the jurisdiction of our agency, however this agency was doing all it could to support any safety protection presented to the legislature for the towing industry.

On-Going Business

1. **Progress Report:** Clerical Assistant Staggs reported as of August 24, 2009: 41 non-consent safety licenses; 48 new, 40 1st renewal, and 37 2nd renewal non-consent permits; 22 consent safety licenses, 07 new, 19 1st renewal, 05 2nd renewal and 01 Trailer consent permits were issued, 20 walk-in applications, 05 applications with deficiencies, and 07 unprocessed applications. (Note copy of Clerical Report is filed with these Minutes).
2. **Complaints Report:** Board Investigator Ashcraft reported as of August 24, 2009: 25 telephone complaints, 23 written complaints, and 00 Notices of Non-renewal were sent. An estimated 70 pending complaint investigations, 03 pending complaint hearings, and 11 closed complaints. 00 Offer of Settlements were sent. The complaints were broken down into itemized

categories on the report. (Note: copy of Complaint Report is filed with these minutes)

3. **Administrative Appeals:** Attorney Barnes reported on 3 complaints on appeal:
 - A. **Complaint No. 06-12-158** Asher Wrecker Service, Inc. Attorney Barnes reported current issue with the record and waiting on briefing.
 - B. **Complaint No. 08-11-061 and 08-12-070:** Steve's Auto Center of Conway, Inc, Attorney Barnes reported an Order of Discovery was received for declaratory judgments. Appeals are still pending.
 - C. **Complaint No. 08-06-150** – Gene Zajac DBA Blue Hill Wrecker Service Attorney Barnes reported record has been filed waiting on a briefing date.

Old Business

1. **Arkansas State Police:** Ashcraft reported we continued work with Captain Mark Allen. New discussion has been focused on the education of road troopers on the towing laws.

Other Business

1. **Homemade Wreckers:** Lauen reported the staff had polled the surrounding states concerning how they handled “home-made wreckers” 4 of the 5 states replied they did not have any special treatment for these wrecker. Member Jacobs opened discussion on current regulations covering “home-made” wreckers. Item is to be placed on agenda for future discussion.
2. **Public Service Advertisements:** Vice-Chairperson Edwards opened discussion for the possibility of publishing public service ads to better inform the public of their rights concerning a non-consent tow and how to go about filing a complaint, if they have one. Item to be placed on next agenda for future discussion.
3. **Law Enforcement Conferences:** Member Foster open discussion of having some office staff attend the law enforcement conferences as a vender to help inform agencies about towing laws and helping get information to these agencies. After some discussion, the Board requested research to see what would be necessary for staff to attend conferences.
4. **Next Meetings:** September 29, 2009, 2nd floor conference room, Tower Building, 323 Center, Little Rock, Arkansas.

Meeting adjourned 11:13 a.m.

Signed _____
Glenna Butler, Chairperson or
Wayne Edwards, Vice-Chairperson

Attest _____
Cynthia Lauen, Director

Approved _____ (Date)